

REMARKS

The examiner objected to the drawings indicating that it is "not clear if legend "26" in Fig. 3 is pointing to the interior of the compartment or the "rear wall" as exemplified in Fig. 4." Applicants respectfully submit that legend "26" in Fig. 3 is clear, particularly when viewed in conjunction with the other figures (as indicated by the examiner) and the specification. See the specification at the paragraph beginning on page 5, line 3. Applicants respectfully request that such objection be withdrawn.

The examiner rejected claims 32 and 35 under the judicially created doctrine of obviousness-type double patenting. Applicants submit a terminal disclaimer herewith. Applicants respectfully submit that claims 32 and 35, and the claims depending therefrom, namely claims 33 and 36-40, are in condition for allowance.

The examiner indicated that claims 26 and 31 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 26 and 31 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner rejected claims 23-25 and 27 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,359,085 (Mueller). The examiner rejected claim 34 under 35 U.S.C. §103 as being unpatentable over Mueller in combination with U.S. Patent No. 5,127,808 (Nichols et al.). Applicants respectfully traverse such rejections.

The examiner relies on Mueller as teaching an air compressor unit including first and second compartments 8 and 9 with an air compressor disposed in the first compartment 9 and a motor disposed in the second compartment 8. Each compartment (8, 9) in Mueller is provided with an independent apparatus, i.e., an electronic compressor 7 in compartment 9 and a vacuum

6 in compartment 8. There is no teaching or suggestion to place the motor configured to drive the compressor in the compartment 8 that is already occupied by the vacuum and its associated drive. The cited reference fails to teach or suggest the claimed invention. Claims 24, 25, 27 and 34 each depend from claim 23.

The examiner rejected claim 30 under 35 U.S.C. §103 as being unpatentable over Mueller in combination with U.S. Patent No. 5,507,618 (Kubo et al.). Applicants traverse such rejection. The aftercooler 63 of Kubo et al. does not define a fluid passage from the first compartment to the discharge compartment and there is no teaching or suggestion to modify Mueller as such.

It is respectfully submitted that pending claims 23-27 and 30-41 are in condition for allowance. Early reconsideration and allowance of the pending claims are respectfully requested.

If the examiner believes an interview, either telephonic or in person, will advance the prosecution of this matter, it is respectfully requested that the examiner get in contact with the undersigned.

Respectfully submitted,



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